

RESOLUTION NO. 070 (2024/2025)

A RESOLUTION TO APPROVE ORDER REGARDING VICIOUS DOG

WHEREAS, on February 24, 2025 a hearing was requested by Cathi Wycoff regarding her dog Annie who was deemed vicious in a noticed served to her by Public Safety Director Brandes; and

WHEREAS, following the hearing, City Council declared Annie vicious; and

WHEREAS, the City of Nevada, Iowa has issued an Order for Cathi Wycoff regarding her dog Annie; and

WHEREAS, the City Council determined that Annie could reside within City limits provided Ms. Wycoff follow the Order outlined in Exhibit A; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Nevada, Story, County, Iowa, does hereby approve the order regarding vicious dog, see Exhibit A attached. The Mayor is hereby authorized to execute the order on behalf of the City.

PASSED AND APPROVED this 10th day of March, 2025.

Brian Hanson, Mayor

ATTEST:

Kerin Wright, City Clerk

**ORDER
REGARDING VICIOUS DOG**

WHEREAS, on or about February 10, 2025, Cathy Wycoff (“Owner”) was served a notice from Public Safety Director Brandes that her dog, a black and white boxer mix named Annie (“Annie”), had been declared a vicious dog under Nevada City Code Chapter 55; and

WHEREAS, a hearing before the City Council was requested by the Owner, and a hearing was held on February 24, 2025 and evidence produced and considered by the City Council; and

WHEREAS, the City Council, after hearing evidence from both City staff and the Owner, hereby declare Annie to be a vicious animal as that term is defined in Nevada City Code §55.01(14); and

WHEREAS, the City Council determined that Annie could reside in City limits provided the Owner comply with all requirements of Nevada City Code §55.08—Keeping of Vicious Animals; and

WHEREAS, the City Council determined that if Owner fails to comply with any requirement of Nevada City Code §55.08—Keeping of Vicious Animals—or if any future bite incidents are reported to the City, Owner will be required to immediately and permanently remove Annie from City limits.

NOW THEREFORE, IT IS ORDERED that the Owner is hereby directed to comply with the following:

1. Owner shall comply with all provisions of Nevada City Code §55.08—Keeping of Vicious Animals—as follows:
 - a. **Leash and Muzzle**—Any time Annie is outside the kennel or pen area of Owner’s dwelling, Annie shall be securely leashed with a leash no longer than six (6) feet in length. Annie shall not be kept on a chain, rope, or other type of leash outside its kennel or pen unless both the dog and leash are under the control of a person 18 years of age or older. Annie shall not be tied to an inanimate object such as trees, posts, fences, buildings or any other object or structure. At all times when Annie is outside the kennel, she must be muzzled by a muzzling device sufficient to prevent the animal from biting persons or other animals.
 - b. **Enclosure**—Annie shall be securely confined within the house or in a securely enclosed and locked pen or kennel, except with leashed and muzzled as provided above. Such pen, kennel or structure must have secure sides at least six (6) feet in height and secure top attached to the sides. The kennel must be locked with a key or combination lock anytime Anni is within the structure. Annie shall not be kept on a porch, patio or any other part of the house that would allow her to exit. All other enclosure requirements of Nevada City Code §55.08(1)(B) must be met.

- c. **Insurance**—Owner shall secure and maintain insurance of not less than \$500,000 per occurrence for bodily injury to or death of any person or persons or for damage to property which may result from the ownership, keeping or maintenance of such vicious animal. The policy must be provided to the City upon request. Such policy shall provide that no cancellation of the policy shall be made unless ten (10) calendar days' notice is first given to the City Clerk.
 - d. **Signs**—Owner shall display in a prominent place on the property where Annie is housed a sign easily readable by the public using the words “Beware of Dog.” A similar sign shall be posted on the kennel, pen or other enclosure of such animal.
 - e. **Identification**—Owner shall provide to the City Clerk two color photographs of the animal clearly showing the color and approximate size of Annie.
 - f. **Reporting**—Owner must report to the City Clerk within ten (10) calendar days of its occurrence in writing to the City Clerk—(i) Annie’s removal from the City or death, or (ii) the new address where Annie is located if the Owner moves or Annie is sold or transferred to another owner within the City.
2. If Owner fails to comply with any requirement of this Order or Nevada City Code §55.08—Keeping of Vicious Animals—or if any future bite incidents are reported to the City, Owner will be required to immediately and permanently remove Annie from City limits. The Owner will not be entitled to any future hearings on this matter.
 3. The City shall perform spot checks at Owner’s residence as needed and without advanced notice to Owner to ensure Owner’s compliance with this Order and Nevada City Code §55.08. Owner shall provide City staff with access to the pen, kennel or other structure where Annie is kept. Failure to allow access shall be a violation of this Order.

BE IT FURTHER ORDERED that the City Clerk or enforcement officer be and is hereby directed to serve a copy of this Order upon the Owner.

Dated: March __, 2025, as directed by City Council action on February 24, 2025.

Brian Hanson, Mayor